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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
Fosamax Products Liability Litigation : 1:06-md-1789 (JFK)

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This Document Relates to: :
Franz Martin, et al. :
v. Merck & Co., Inc. :
Case No: 1:07-cv-9483-JFK :
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STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between

Plaintiff Ronald McBee in the above-captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of the above-named Plaintiff to voluntarily dismiss with prejudice his claim against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiff its fees and costs. The following Plaintiff Ronald McBee is hereby dismissed from the above-captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

2. Each party is to bear its own costs and attorneys' fees.

Aug 17,
Dated: April, 2008

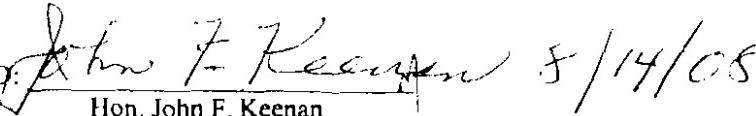
PHILLIPS & ASSOCIATES

By 

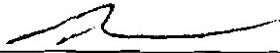
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SO ORDERED:


Hon. John F. Keenan

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